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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

CASE NO. 2:23-mj-00107-BNW

10 Plaintiff,

**STIPULATION TO CONTINUE INITIAL
APPEARANCE**

11 vs.

12 TYSON MARTIN

13 Defendant.

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15 IT IS HEREBY STIPULATED by and between Erick M. Ferran, Esq., Counsel for
16 Defendant Tyson Martin, and Imani Dixon, Assistant United States Attorney, that the Court vacate
17 its current initial appearance date in this case and continue the initial appearance for at least two
18 weeks. The parties thus stipulate that the initial appearance currently scheduled for
19 March 16, 2023, at 9:30 a.m., be vacated and reset on a date and time convenient to this Court.

20 The stipulation is entered for the following reasons:

- 21 1. Defendant Martin is currently charged with Operating or being in physical control
22 of a Motor Vehicle while Under the Influence of Alcohol a violation of 36
23 C.F.R. § 4.23(a)(1); and Operating or being in actual physical control of a Motor
24 Vehicle with a BAC of 0.08 Grams and Higher a violation of 36
25 C.F.R. § 4.23(a)(2);
- 26 2. Counsel for Defendant Martin is not immediately available to appear before for this
27 Honorable Court due to a medical emergency.
- 28 3. This is the first request for continuance.

- 1 4. Defendant Martin is not in custody and does not object to this continuance.
2 5. Additionally, the denial of this time requested by this stipulation could result in a
3 miscarriage of justice.

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5 Dated this 16th day of March, 2023.

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7 Dated this 16th day of March, 2023.

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9 /s/ Imani Dixon, Esq.
10 Imani Dixon, Esq.
11 Assistant United States Attorney

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13 /s/ Erick M. Ferran, Esq.
14 Erick M. Ferran, Esq.
15 Counsel for Defendant Martin

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO. 2:23-mj-00107-BNW

Plaintiff,

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

VS.

TYSON MARTIN

Defendant.

FINDINGS OF FACTS

Based on the stipulation of counsel, Imani Dixon, Esq., Assistant United States Attorney and Erick M. Ferran, Esq., counsel for the Defendant, the parties respectfully request and stipulate to continue the initial arraignment in this matter for 30 days. The Court thus FINDS as follows:

1. Defendant Martin is currently charged with Operating or being in physical control of a Motor Vehicle while Under the Influence of Alcohol a violation of 36 C.F.R. § 4.23(a)(1); and Operating or being in actual physical control of a Motor Vehicle with a BAC of 0.08 Grams and Higher a violation of 36 C.F.R. § 4.23(a)(2);
 2. Counsel for Defendant Martin is not immediately available to appear before for this Honorable Court due to a medical emergency.
 3. This is the first request for continuance.
 4. Defendant Martin is not in custody and does not object to this continuance.
 5. Additionally, the denial of this time requested by this stipulation could result in a miscarriage of justice.

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1 **CONCLUSION OF LAW**

2 For all the above-stated reasons, the ends of justice served by granting the requested
3 continuance outweigh the best interest of the public and the Defendants in a speedy trial, since the
4 failure to grant a continuance would likely to result on a miscarriage of justice.

5 **ORDER**

6 **IT IS THEREFORE ORDERED** that the initial appearance currently scheduled on
7 March 16, 2023, is hereby vacated, and reset to April 20, 2023 at 9:30 a.m.

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10 DATED: March 20, 2023

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14 UNITED STATES MAGISTRATE JUDGE

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